

JUDGE KAPLAN

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: JUN 04 2008

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - - x

UNITED STATES OF AMERICA

: INDICTMENT

-v.-

ANDREY BARANETS and
ALEKSANDR DESEVOH,

08 CRIM 506

Defendants.

- - - - - x

COUNT ONE

(Conspiracy to Commit Access Device Fraud)

The Grand Jury charges:

The Fraudulent Scheme

1. At all times relevant to this Indictment, a ring of individuals, which at various times included ANDREY BARANETS and ALEKSANDR DESEVOH, the defendants, was engaged in a scheme to steal individual victims' account data from a major New York City-based bank (the "Bank") and then exploit that data in order to steal money from the individual victims' accounts held by the Bank.

2. As a part of the fraudulent scheme, one or more co-conspirators accessed a computer database that stored individual victims' account data, and stole data pertaining to the bank accounts of thousands of individual customers of the Bank.

3. As a further part of the fraudulent scheme, members of the ring recruited other co-conspirators, who were given the

task of loading the account data stolen from the Bank onto blank plastic Automatic Teller Machine ("ATM") cards using one or more magnetic stripe reader devices ("MSRs"), which ATM cards then were to be used to access individual victims' bank accounts through ATM machines and steal money from the victims' accounts.

4. As a further part of the fraudulent scheme, one or more co-conspirators recruited ANDREY BARANETS and ALEKSANDR DESEVOH, the defendants, to retrieve an MSR from another co-conspirator for the purpose of encoding cards with stolen account data.

Statutory Allegations

5. From in or about December 2007, through on or about April 7, 2008, in the Southern District of New York and elsewhere, ANDREY BARANETS and ALEKSANDR DESEVOH, the defendants, and others known and unknown, unlawfully, willfully, and knowingly did combine, conspire, confederate, and agree together and with each other to commit an offense against the United States, to wit, to violate Title 18, United States Code, Section 1029(a)(5).

6. It was a part and object of the conspiracy that ANDREY BARANETS and ALEKSANDR DESEVOH, the defendants, and their co-conspirators, unlawfully, willfully and knowingly, and with intent to defraud, in an offense affecting interstate and foreign commerce, would and did effect transactions, with one and more

access devices issued to another person and persons, to receive payment and another thing of value during a one-year period the aggregate value of which is equal to and greater than \$1,000, in violation of Title 18, United States Code, Section 1029(a)(5).

Overt Acts

7. In furtherance of the conspiracy and to effect the illegal object thereof, the following overt acts, among others, were committed in the Southern District of New York and elsewhere:

a. On or about April 1, 2008, at or around 6:02 p.m., an instant message was sent from an account of a co-conspirator not named as a defendant herein ("CC-1") to an undercover agent with the Federal Bureau of Investigation ("UC-1") who was posing as another co-conspirator not named herein ("CC-2"), which message concerned sending an MSR to ALEKSANDR DESEVOH, the defendant.

b. On or about April 2, 2008, at or around 5:43 p.m., an instant message was sent from an account of CC-1 to UC-1 concerning a meeting with another co-conspirator not named as a defendant herein ("CC-3") to exchange a MSR and encode account data on blank plastic ATM cards.

c. On or about April 7, 2008, ANDREY BARANETS and ALEKSANDR DESEVOH, the defendants, traveled to an agreed location in Manhattan to meet with an undercover agent with the

Federal Bureau of Investigation ("UC-2") who was posing as CC-3, in order to receive a MSR.

(Title 18, United States Code, Section 1029(b)(2).)

COUNT TWO

The Grand Jury further charges:

8. The allegations in paragraphs 1-4 and 6 are repeated, re-alleged and reincorporated as if set forth fully herein.

9. In or about April 2008, in the Southern District of New York and elsewhere, ANDREY BARANETS and ALEKSANDR DESEVOH, the defendants, unlawfully, willfully, and knowingly, and with intent to defraud, in an offense affecting interstate commerce, did effect and attempt to effect transactions, with one and more access devices issued to another person and persons, to receive payment and another thing of value during a one-year period the aggregate value of which is equal to and greater than \$1,000, to wit, BARANETS and DESEVOH traveled to New York, New York, in order to meet with an undercover agent posing as a co-conspirator not named as a defendant herein as part of a scheme to encode ATM/debit cards with individual victims' bank account information and then withdraw monies from ATMs in amounts totaling more than \$1,000, without authorization from the account holders.

(Title 18, United States Code, Sections 1029(a)(5),
1029(b)(1) and 2.)

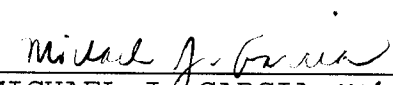
COUNT THREE

The Grand Jury further charges:

10. On or about April 7, 2008, in the Southern District of New York, ANDREY BARANETS and ALEKSANDR DESEVOH, the defendants, unlawfully, willfully, and knowingly did forcibly assault, resist, oppose, impede, intimidate, and interfere with a person designated in Title 18, United States Code, Section 1114, namely, an undercover agent with the Federal Bureau of Investigation ("FBI"), while engaged in and on account of the performance of official duties, to wit, DESEVOH attempted to strike a Special Agent of the FBI who was working as an undercover agent, and DESEVOH and BARANETS chased and sought to forcibly take a magnetic stripe reader from the agent while the agent was engaged in an undercover operation.

(Title 18, United States Code, Sections 111(a)(1) and 2.)


FOREPERSON


MICHAEL J. GARCIA MAA
United States Attorney

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

ANDREY BARANETS and
ALEKSANDR DESEVOH,

Defendants.

INDICTMENT

08 Cr.

(18 U.S.C. §§ 1029(b)(2),
1029(a)(5), 1029(b)(1), 111(a)(1),
and 2)

MICHAEL J. GARCIA
United States Attorney.

A TRUE BILL

Sherry Picchioni

Foreperson.

6-4-08
VF

Filed Indictment. Case assigned to
Judge Kaplan

Pitman
U.S.M.J.